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02 APR 2007

In re Application of	:	
Vallee et al.	:	
Application No.: 10/510,306	:	DECISION
PCT No.: PCT/FR03/01075	:	
Int. Filing Date: 04 April 2003	:	ON
Priority Date: 05 April 2002	:	
Attorney Docket No.: REGIM 3.3-038	:	PETITION
For: Real-Time Navigational Aid	:	
System For Radiography	:	

This is in response to the petition to revive under 37 CFR 1.137(b) filed on 12 March 2007.

BACKGROUND

This international application was filed on 04 April 2003, claimed an earlier priority date of 05 April 2002, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 16 October 2003. The 30 month time period for paying the basic national fee in the United States expired at midnight on 05 October 2004. Applicant filed *inter alia* the basic national fee on 05 October 2004.

On 18 May 2005, a Notification Of Missing Requirements... (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge under 37 CFR 1.492(e) then in effect.

On 12 April 2006, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to applicants, indicating that this international application had become abandoned with respect to the U.S. national stage for failure to timely reply to the Form PCT/DO/EO/905 mailed on 18 May 2005.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Regarding **requirement (1)**, the "required reply" is the reply required by the Form PCT/DO/EO/905 mailed on 18 May 2005. The \$65.00 surcharge under 37 CFR 1.492(h) is being charged to counsel's Deposit Account No. 12-1095, per the general fee authorization filed on 05 October 2004. However, inspection of the declaration documents filed on 12 March 2007 reveals that the copy signed by Mr. Sabbah appears to have been assembled by attaching a faxed

signature page to the remaining sheets of the document (it is noted that the signed sheet bears an "Allstate Perfect Image" watermark, and appears to have been printed from a scan, whereas the remaining sheets do not). Applicants' attention is drawn to MPEP 201.03, which explains in part that

While each inventor need not execute the same declaration, each oath or declaration executed must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration.

Since petitioner has not presented a complete copy of the declaration document as signed by Mr. Sabbah, it is not clear what facts he subscribed to when he executed the document. As it would not be appropriate to accept the declaration as filed on 12 March 2007, requirement (1) has not been satisfied.

Regarding **requirement (2)**, the \$750.00 petition fee is being charged to counsel's Deposit Account No. 12-1095, per the general fee authorization filed on 05 October 2004.

Regarding **requirement (3)**, the petition includes an appropriate statement of unintentional delay.

Regarding **requirement (4)**, no terminal disclaimer is required because the international filing date of this application is later than 8 June 1995.

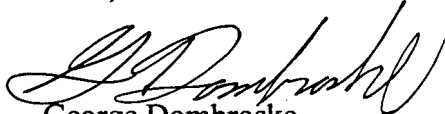
DECISION

The petition under 37 CFR 1.137(b) is **DISMISSED**, without prejudice.

Petitioner's Deposit Account 12-1095 is being charged for the \$750.00 petition fee and the \$65.00 surcharge under 37 CFR 1.492(h), as discussed above.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, P.O. Box 1450, Mail Stop PCT, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the PCT Legal Office.



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